

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

PETITION OF AT&T COMMUNICATIONS OF)	
THE SOUTH CENTRAL STATES, INC. FOR)	
CONFIDENTIAL TREATMENT OF)	CASE NO. 93-138
INFORMATION FILED IN SUPPORT OF ITS)	
INTRASTATE DIRECTORY LINK SERVICE)	

O R D E R

This matter arising upon petition of AT&T Communications of the South Central States, Inc. ("AT&T") filed April 1, 1993 pursuant to 807 KAR 5:001, Section 7, for confidential protection of the cost data contained in the Incremental Cost Analysis on the grounds that disclosure of the information is likely to cause AT&T competitive injury, and it appearing to this Commission as follows:

As part of its application in this proceeding, AT&T has submitted an Incremental Cost Analysis regarding its DIRECTORY LINK Service. By this petition, AT&T seeks to protect the cost information contained in the analysis.

The information sought to be protected is not known outside of AT&T and is not disseminated within AT&T except to those employees who have a legitimate business need to know and act upon the information. AT&T seeks to preserve and protect the confidentiality of the information through all appropriate means.

KRS 61.872(1) requires information filed with the Commission to be available for public inspection unless specifically exempted by statute. Exemptions from this requirement are provided in KRS

61.878(1). That section of the statute exempts 11 categories of information. One category exempted in subparagraph (c) of that section is commercial information confidentially disclosed to the Commission. To qualify for that exemption, it must be established that disclosure of the information is likely to cause substantial competitive harm to the party from whom the information was obtained. To satisfy this test, the party claiming confidentiality must demonstrate actual competition and a likelihood of substantial competitive injury if the information is disclosed. Competitive injury occurs when disclosure of the information gives competitors an unfair business advantage.


The disclosure of the incremental cost information for this service would allow AT&T's competitors to learn valuable pricing information that could be used in the product development, pricing, and marketing focuses of their competing services. Therefore, disclosure of the information is likely to cause AT&T competitive injury and the information should be protected as confidential.

This Commission being otherwise sufficiently advised,


IT IS ORDERED that the cost data contained in the Incremental Cost Analysis, which AT&T has petitioned be withheld from public disclosure, shall be held and retained by this Commission as confidential and shall not be open for public inspection.

Done at Frankfort, Kentucky, this 4th day of May, 1993

PUBLIC SERVICE COMMISSION


Chairman


Vice Chairman


Commissioner

ATTEST:


Executive Director